

AMENDED IN SENATE APRIL 29, 2014

**SENATE BILL**

**No. 1097**

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**Introduced by Senator Nielsen**  
***(Coauthors: Senators Hancock and Knight)***

February 19, 2014

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An act to add Article 1.5 (commencing with Section 6033) to Chapter 5 of Title 7 of Part 3 of the Penal Code, relating to corrections, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1097, as amended, Nielsen. Corrections: Criminal Justice Reinvestment Assessment Grant Program of 2014.

Existing law requires the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, as specified. Existing law requires the board, in consultation with certain individuals, including a county supervisor or county administrative officer, a county sheriff, and the Secretary of the Department of Corrections and Rehabilitation, to develop definitions of specified key terms in order to facilitate consistency in local data collection, evaluation, and implementation of evidence-based programs.

This bill would enact the Criminal Justice Reinvestment Assessment Grant Program of 2014. The bill would require the grant program to be administered by the Board of State and Community Corrections for the purpose of establishing and implementing reporting systems to identify and expand programs that provide proven, evidence-based, local programming opportunities for the successful reintegration of offenders into society.

The bill would authorize the board to award grants to assist counties with the creation or expansion of infrastructure that allows each county to consistently collect and report specified criminal justice information. The bill would require each local community corrections partnership, on or before June 1, 2014, to report to the board on the county's capacity to collect and report the data required. The bill requires the board to review each assessment and to prioritize and award grants to the counties.

The bill would require each county to report specified data to the board, on or before January 1, 2015, and annually ~~each year~~ thereafter, pertaining to offenders sentenced as felons to serve in local correctional facilities and felons released from prison to community supervision. The bill would require the board to summarize these data and report the summaries to the Governor and the Legislature, on or before May 15, 2015, and annually thereafter.

By imposing data collection and reporting duties on local governments, this bill would impose a state-mandated local program.

The bill would appropriate an undetermined sum to the board for purposes of funding the grants. The bill would state findings and declarations of the Legislature regarding criminal justice realignment.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Article 1.5 (commencing with Section 6033) is
- 2 added to Chapter 5 of Title 7 of Part 3 of the Penal Code, to read:

Article 1.5. Criminal Justice Reinvestment Assessment Grant  
Program of 2014

6033. This article shall be known, and may be cited, as the  
Criminal Justice Reinvestment Assessment Grant Program of 2014.

6033.2. The Legislature finds and declares all of the following:

(a) The Legislature is committed to reducing recidivism among  
criminal offenders, ensuring that local governments have adequate  
funding to achieve this goal, and facilitating the responsible  
implementation of the criminal justice policies contained in the  
2011 Realignment Legislation addressing public safety.

(b) By enacting the 2011 Realignment Legislation addressing  
public safety, the Legislature affirmed its commitment to justice  
reinvestment and stated that the purpose of justice reinvestment  
is to manage ~~and allocate~~ criminal justice populations more cost  
effectively, generating savings that can be reinvested in  
evidence-based strategies that increase public safety while holding  
offenders accountable.

(c) The 2011 Realignment Legislation addressing public safety  
represents a significant shift of ~~responsibilities and may be the~~  
~~largest criminal justice experiment in modern history~~  
~~responsibilities~~. However, the quick and unanticipated nature of  
the passage of this legislation, in combination with broad county  
discretion in its implementation, offers a unique ~~and crucial~~  
opportunity to identify best practices in community corrections  
and the impacts of correctional decentralization.

(d) The 2011 Realignment Legislation addressing public safety  
did not require counties to collect data on outcome measures, nor  
did it provide specific resources for data collection that if  
adequately funded and properly implemented would allow  
policymakers, researchers, stakeholders, and counties to take  
advantage of the historic opportunity to study and evaluate the  
changing felon population and the strategies and interventions that  
counties employ to reduce recidivism.

(e) The Bureau of State Audits' September 2013 High Risk  
report identified the 2011 realignment of criminal justice  
responsibilities between the state and counties as a "high-risk"  
policy, citing a lack of "reliable and meaningful realignment data  
to ensure [the state's] ability to effectively monitor progress toward  
achieving intended realignment goals."

~~(f) It is the intent of the Legislature to fully fund the data collection and reporting efforts required by this article. It is further the intent of the Legislature that funding for these activities not come from existing funding that supports the 2011 Realignment Legislation addressing public safety.~~

6033.4. (a) The Criminal Justice Reinvestment Assessment Grant Program of 2014, which is hereby established, shall be administered by the Board of State and Community Corrections for the purpose of establishing and implementing reporting systems to identify and expand programs that provide proven, evidence-based, local programming opportunities for the successful reintegration of offenders into society. The board shall award grants to assist counties with the creation or expansion of infrastructure that allows each county to consistently collect and report criminal justice information as required by Sections 6033.10 and 6033.12.

(b) For purposes of this article, “board” means the Board of State and Community Corrections.

6033.6. (a) On or before June 1, 2014, each local community corrections partnership established pursuant to Section 1230 shall report to the board on the county’s capacity to collect and report the data required by Sections 6033.10 and 6033.12. The report shall include a local plan that identifies the additional resources necessary for that county to consistently collect and report criminal justice information as required by Sections 6033.10 and 6033.12.

(b) The board shall review each assessment submitted pursuant to subdivision (a) and shall prioritize and award grants pursuant to Section 6033.8. Funding shall be used to supplement, rather than supplant, existing programs. Grant funds shall be used for programs that are identified in the local plan submitted pursuant to subdivision (a).

(c) The board shall submit to the Legislature on or before June 15, 2014, a report detailing the estimated need, cost, and schedule for each county to consistently collect and report criminal justice information as required by Sections 6033.10 and 6033.12. The report shall be submitted in compliance with Section 9795 of the Government Code.

6033.8. (a) The board shall establish minimum standards, funding schedules, and procedures for awarding grants, which shall take into consideration, but not be limited to, all of the following:

~~(a)~~

(1) Size of the county.

~~(b)~~

(2) Demonstrated efforts to report data prior to January 1, 2016.

~~(c)~~

(3) Demonstrated ability to report data prior to January 1, 2016.

*(b) The board shall give preference to counties that have demonstrated efforts to independently collect data on a countywide basis.*

6033.10. (a) On or before January 1, 2015, and annually each year thereafter, each county shall report specified data to the board in a format prescribed by the board. The board shall specify and define minimum required reporting which shall include, but not be limited to, the following for each individual sentenced pursuant to subdivision (h) of Section 1170:

(1) Individual identifiers.

(2) County identifiers.

(3) Date of birth.

(4) Gender.

(5) Race or ethnicity.

(6) Age at first arrest.

(7) Conviction offense.

(8) Sanction or sentence received.

(9) Total jail time served.

(10) Release status.

(11) Violations of probation.

(12) Rearrests.

(13) Reconvictions.

(14) Any other return to custody.

(15) Use of flash incarceration.

(16) Assessed risk level.

(17) Participation in pretrial programs.

(18) Participation in specialty court.

(19) Participation in day reporting release programs.

(20) Participation in electronic monitoring programs.

(21) Participation in community service release programs.

(22) Participation in work release programs.

(23) Participation in intensive probation supervision.

(24) Needs assessment.

(25) Any reentry programming provided.

- 1 (26) Participation in cognitive behavioral therapy.
- 2 (27) Participation in mental health treatment.
- 3 (28) Participation in substance abuse treatment.
- 4 (29) Participation in gender-specific programming.
- 5 (30) Participation in family programming.
- 6 (31) Any health care assistance provided.
- 7 (32) Any housing assistance provided.
- 8 (33) Any income support provided.
- 9 (34) Any employment assistance provided.
- 10 (35) Any vocational training assistance provided.
- 11 (36) Any educational enrollment assistance provided.
- 12 (37) Any mentoring programming provided.
- 13 (38) Any peer support programming provided.
- 14 (b) The board shall compile the local reports and, by May 15,
- 15 2015, and, *notwithstanding Section 10231.5 of the Government*
- 16 *Code*, by May 15 of each year thereafter, make a report to the
- 17 Governor and the Legislature that summarizes the data reported
- 18 by the counties pursuant to subdivision (a). The report submitted
- 19 to the Legislature shall be submitted in compliance with Section
- 20 9795 of the Government Code.
- 21 6033.12. (a) On or before January 1, 2015, and annually each
- 22 year thereafter, each county shall provide specified data to the
- 23 board in a format prescribed by the board. The board shall specify
- 24 and define minimum required reporting which shall include, but
- 25 not be limited to, the following for each individual supervised
- 26 pursuant to Section 3451:
- 27 (1) Violations of postrelease community supervision.
- 28 (2) Rearrests.
- 29 (3) Reconvictions.
- 30 (4) Any other return to custody.
- 31 (5) Use of flash incarceration.
- 32 (6) Participation in intensive probation supervision.
- 33 (7) Any reentry programming provided.
- 34 (8) Participation in cognitive behavioral therapy.
- 35 (9) Participation in mental health treatment.
- 36 (10) Participation in substance abuse treatment.
- 37 (11) Participation in gender-specific programming.
- 38 (12) Participation in family programming.
- 39 (13) Any health care assistance provided.
- 40 (14) Any housing assistance provided.

1 (15) Any income support provided.

2 (16) Any employment assistance provided.

3 (17) Any vocational training assistance provided.

4 (18) Any educational enrollment assistance provided.

5 (19) Any mentoring programming provided.

6 (20) Any peer support programming provided.

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9 *Code*, by May 15 of each year thereafter, make a report to the  
10 Governor and the Legislature that summarizes the data reported  
11 by the counties pursuant to subdivision (a). The report submitted  
12 to the Legislature shall be submitted in compliance with Section  
13 9795 of the Government Code.

14 6033.14. (a) The amount of \_\_\_\_\_dollars (\$\_\_\_\_\_) is hereby  
15 appropriated from the General Fund to the board for the 2014–15  
16 fiscal year for the purpose of implementing this article.

17 (b) The board may award up to the amount of the appropriation,  
18 less the board’s administrative costs, not to exceed 5 percent of  
19 the total grant funding awarded statewide, as individual grants not  
20 exceeding \_\_\_\_to counties to assist in establishing data reporting  
21 systems that will allow a county to consistently collect and report  
22 criminal justice information as required by Sections 6033.10 and  
23 6033.12.

24 SEC. 2. If the Commission on State Mandates determines that  
25 this act contains costs mandated by the state, reimbursement to  
26 local agencies and school districts for those costs shall be made  
27 pursuant to Part 7 (commencing with Section 17500) of Division  
28 4 of Title 2 of the Government Code.

29 SEC. 3. This act is an urgency statute necessary for the  
30 immediate preservation of the public peace, health, or safety within  
31 the meaning of Article IV of the Constitution and shall go into  
32 immediate effect. The facts constituting the necessity are:

33 In order *to* ensure that relevant data pertaining to the 2011  
34 Realignment Legislation addressing public safety are collected  
35 and reported as soon as possible to allow stakeholders to measure  
36 the effectiveness of this landmark change in public safety policy,  
37 it is necessary that this bill go into immediate effect.